THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23983 OF 2005

Dt.14.11.2005

Between:

Smt.Marri Anjamma

… Petitioner

And

The Joint Collector & Additional District

Magistrate, Guntur and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioners submits that she is the Fair Price Shop dealer of Murikipudi Village, Chilakaluripet Mandal, Guntur District and she has been carrying on business by distributing essential commodities to the cardholders without any remarks or complaints whatsoever. While so, a case has been registered in Crime No.184 of 2005 against the petitioner and others for the offence under Section 409, 420 read with 34 IPC and Section 7 of the Essential Commodities Act by the S.H.O., Chilakaluripet Town Police Station on suspicion of illegal transportation of rice meant for Public Distribution System. It is stated no proceedings have been initiated under Section 7-A of the Essential Commodities Act and even if any proceedings are pending for the offence under Section 7-A, it cannot constitute a ground to stop the essential commodities to the shop of the petitioner as long as the authorization of the petitioner is not suspended or cancelled. If there are any violation of the conditions or relevant provisions of A.P.State Public Distribution System Control Order 2001, it is always open for the authorized officer to take appropriate action either by way of suspension pending enquiry or take final decision after giving reasonable opportunity to the petitioner to cancel the said authorization. Without their being any action initiated under the said Control Order 2001, the respondents cannot stop the supply of essential commodities to the petitioner.

Having regard to the facts and circumstances of the case, the respondents are directed to supply the stocks of essential commodities to the Fair Price Shop of the petitioner for distribution to the cardholders during the subsistence of her authorization.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

14.11.2005

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